

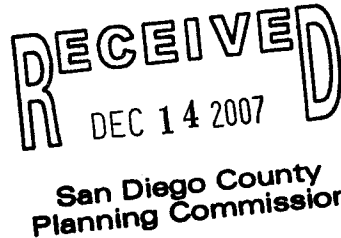
PAUL DANIEL MARKS
ATTORNEY AT LAW

CERTIFIED SPECIALIST - FAMILY LAW
STATE BAR OF CALIFORNIA
BOARD OF LEGAL SPECIALIZATION

345 WEST NINTH AVENUE, SUITE 202
ESCONDIDO, CA 92025-5055
PHONE: [760] 489-0900

December 13, 2007

Planning Commission
County of San Diego
1600 Pacific Highway
San Diego, California 92101



Re: The Bridges, Unit 6, Lennar Homes – Habitat Loss Permit
SPA 01-004, TM 5270RPL2, P85-084W, B/C 03-0250,
B/C 02-0221, Santa Fe Creek: SPA 03-006, VAC 03-018

Dear Commissioners:

On behalf of the San Dieguito Planning Group, as chair of that group, I am writing to advise you of our position in opposition to the Habitat Loss Permit and the development of Unit 6 of The Bridges. At our regular meeting of November 29, 2007, by a vote of 8-2-1, the planning group voted to recommend disapproval of the proposed project.

It is the group's position that approval would be precedent setting in vacating open space of a core gnatcatcher and environmentally sensitive area. In addition, the proposal is a growth inducing effort that will undoubtedly be used to move into other sensitive areas by the creation of an unused lot which can be used to merge Unit 6 with proposed Unit 7. There is substantial evidence that biological studies are inaccurate and need to be reviewed and corrected, and the proposed lots are incompatible in size to adjacent properties both within the development and on the perimeter outside the development.

The project was originally brought before us as a combination of Units 6 and 7. It appears that Unit 7 was intentionally omitted to ease the development in a piecemeal manner, approving the smaller portion first. The existing boundary of the Bridges at this location is the existing property line lot lines, and this proposal would extend the project into environmentally sensitive areas, and those with an incompatible use. It is questionable that the proposed mitigation property would provide comparable environment benefits despite its larger size, because the property is regularly criss-crossed by recreational vehicles.

By the same vote, the group suggested conditions that should be imposed if the project is approved in a form similar to that proposed:

1. The proposed lots should be enlarged to make them compatible with the surrounding properties, both inside the Bridges, and in the contiguous community.
2. Open space lot #8 should be incorporated into the proposed lots rather than be left as "open space lot", since such designation does not accurately describe the future use of that lot.
3. The western emergency access road to Bumann Road must be paved a full 24' wide to accommodate emergency and other large service vehicles (trash trucks for example). If this road is used for evacuation, fire and law enforcement in an emergency, a 20' road would be inadequate.
4. Improve golf ball control around houses and into Escondido Creek to prevent stray golf balls from each area.
5. Develop a dedicated trail to connect to trails into Encinitas.
6. Re-engineer the proposed road to prevent future access into Unit 7 – straighten the road to eliminate the dog ear to the east which is obviously designed for future growth. The cul de sac at the end of the road be paved to 36' diameter or more in keeping with the County ordinance.

Respectfully,



PAUL DANIEL MARKS, Chair
San Dieguito Planning Group

PDM:djc

cc: Eric Gibson, Director, DPLU
Supervisor Bill Horn
Lois Jones

I:\sdpg\Corresp\Planning Comm 07-12-13 Bridges.doc

PUBLIC NOTICE

SAN DIEGUITO PLANNING GROUP

P.O. Box 2789, Rancho Santa Fe, CA 92067

NOTICE OF MEETING: December 13, 2007

RECEIVED
DEC 06 2007
San Diego County
DEPT. OF PLANNING & LAND USE

Place of Meeting: **RANCHO SANTA FE FIRE STATION (meeting room), 16936 El Fuego, Rancho Santa Fe, California. TBM 1168-D3, (El Fuego intersects Linea del Cielo at the west end of the village.)**

Preliminary AGENDA — REGULAR MEETING

The final agenda, including changes, is posted in front of the U.S. Post Office, Rancho Santa Fe seventy two (72) hours before the meeting. Certain matters, as may be noted, will be set for a time certain. Matters on the agenda are NOT necessarily heard in the order listed. Continuances, if any, will be announced at the start of the meeting. Time devoted to an item will vary depending on its complexity, importance to the group and public, and the length of the agenda.

NOTE: Please complete a speaker slip if you wish to speak on an issue. (Including Open Forum)

1. **CALL TO ORDER: 7:00 P.M. PLEDGE OF ALLEGIANCE**
2. **AGENDA REVIEW**
3. **APPROVAL OF MINUTES: Oct. 11 & 25 2007 [Circulated to Members During Meeting for initials]**

- G. The Bridges, Habitat Loss Permit – RSF -proposed permit, log 01-08-040, for unit 6 of The Bridges subdivision, 8.9 acres impacted from development, within and adjacent to The Bridges SPA – n/o Avenida del Duque between Bumann Road and Via de las Flores
Planner: Nancy Reed 760-471-7933 Concerns expressed about road access in case of emergencies, whether this property is in Encinitas school district
Comments by Ginger Perkins – very concerned about the amount of golf balls coming into the properties adjacent. Also would like a letter of agreement or Covenant that will prevent a road to connect from Unit 6 to Unit 7 in what is now designated as open space. With the recent fires, there be a fire hydrant within the development of this unit. Barbed wire on west side needs to be removed, trees proposed for northern boundary may be a hindrance to future property owners adjacent. Mitigation for gnatcatchers is not adequate,
Camille Perkins – voiced objection to vacation of dedicated open space for development. This property was the dedication in order to allow the other portion of this section to be developed. Proposed mitigation property has been so disturbed there is nothing left to allow mitigation.
Kevin Barnard, Escondido Creek Conservancy – does not support this project.
Mike LaVeck from Lennar Homes offered his rebuttals to the information presented.
JackieArsivaud-Benjamin EF/HG Town Council, potential growth inducing, and removal of open space is inappropriate.

MOTION by Nancy Reed to recommend denial of the project – approval would be precedent setting to vacate open space of a core gnatcatcher and environmentally sensitive area, it is a growth inducing effort, biological studies are inaccurate and need to be reviewed and corrected, and lots are incompatible in size to adjacent properties both within the development and on the perimeter outside the development. Seconded: Lemarie

Ayes = 8 nos = 2 abstain = 1
Clotfelter Epstein
Mecklenburg

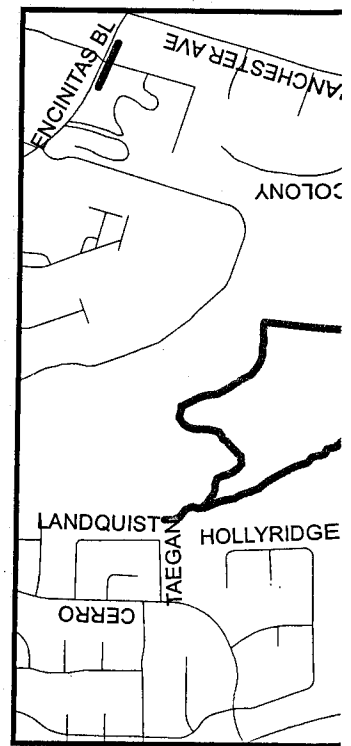
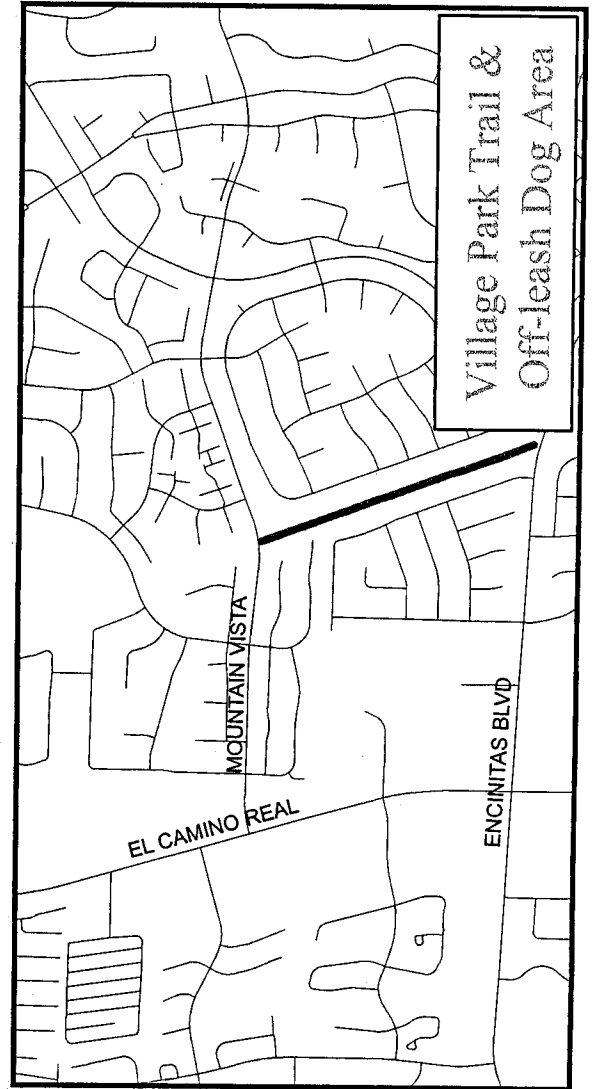
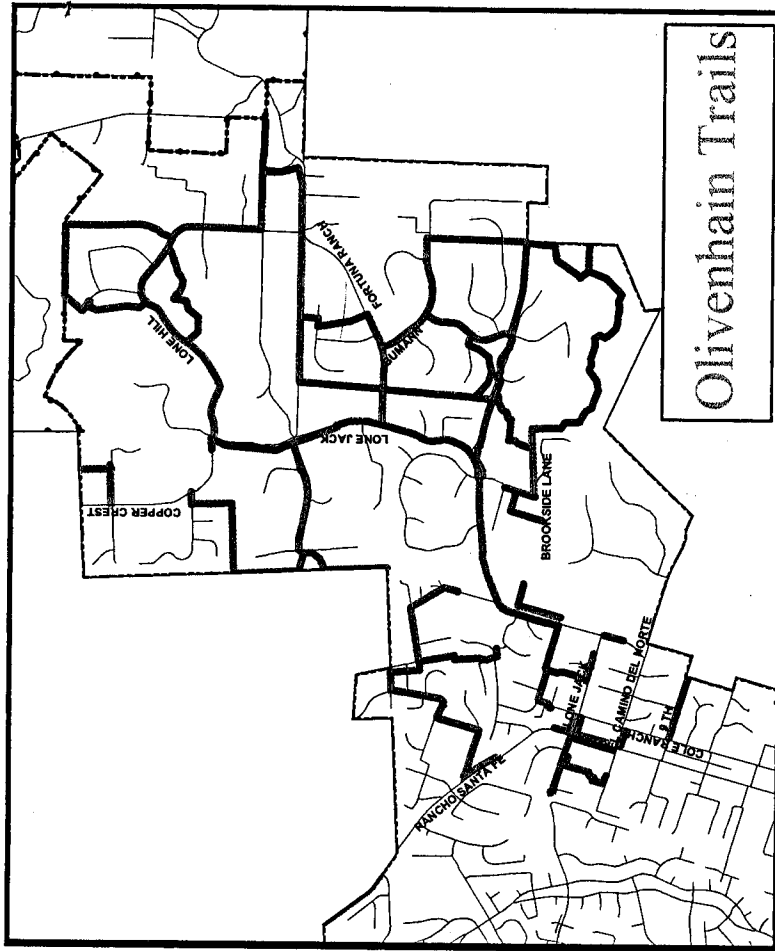
MOTION by Nancy Reed that if this project is approved by County, following conditions should be incorporated: the lots should be of larger design to be compatible with the surrounding properties and the open space lot #8 be incorporated into the proposed lots rather than be left as "open space lot", the emergency access road to Bumann Road must be paved a full 24' wide to accommodate emergency and other large service vehicles (trash trucks for example), improve golf ball control around houses and into Escondido Creek, develop a dedicated trail to connect to trails into Encinitas, the proposed road be re-engineered to prevent future access to into Unit 7 and the cul de sac be paved to 36' diameter or more in keeping with the County ordinance.
Seconded: Lemarie

Ayes = 9 nos = 2 abstain = 0
Clotfelter
Mecklenburg

call (760) 633-2740

City of Encinitas Trails

- ◇ All trails are multi-use trails to include Hiking, Biking & Equestrian
- ◇ No Motorized Bikes or Vehicles of any kind are allowed
- ◇ Children must be supervised
- ◇ Trails adjoin private property
No trespassing on private property
- ◇ Trail Hours - Dawn to Dusk
- ◇ No fires, smoking or camping permitted
- ◇ Dogs must be on a leash at all times unless signed accordingly



h Santa Fe Golf Course

e Section 4.6.3 of Report)

Space

Unit 6

100' Wide Limited Building Zone
Lot 1
Lot 2
Lot 3
Lot 4
Lot 5
Lot 6
Lot 7
Lot 8
Recreational Open Space

Driving Range
Section 7 Property
(not a part)

(Proposed 1st Line)

Lot A

10

11

12

13

Calle Porte Bella

City/County
Boundary

Bumahn
Emergency
Access Road

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DEC 14 2007

San Diego County
Planning Commission

Bridges Unit 6 Hearing

December 14, 2007

Elfin Forest/Harmony Grove
Town Council

The Town Council Opposes Unit 6 Application

- Breach of public trust
- Negative precedent setting
- Growth inducing

(65+ petitions have been submitted to the
Commission supporting these arguments)

- No issue with driving range expansion

Dear Bridges Club Member,

Here at the Bridges, it has been one of our major goals for many years to expand the driving range facility, which will no doubt enhance the experience for all of our members. The process to gain the necessary approvals for the expansion has been long and arduous and will continue to require the use of all the resources available to us in order to accomplish this objective. Fortunately, we are happy to report to all of you that we have reached a major milestone in the process. On Monday, December 3, 2007 we received official notice that we are scheduled for public hearing with the County of San Diego Planning Commission. We are also happy to report that we have obtained County staff support. This is great news for all of us!

The following is information regarding the scheduled meeting:

Planning Commission Hearing Date: Friday, December 14, 2007

Time: 9:00 am

Location: Department of Planning and Land Use Hearing Room, 5201 Ruffin Road, Suite B, San Diego, CA 92123

With the Planning Commission Hearing next week it is now time for us to request your help in this process. We have attached a petition which supports our position on this issue. We are requesting that you sign the petition and return it to us no later than Tuesday, December 11, 2007 to the address below. For your convenience we will have blank petitions at the Concierge desk as well as the Sales Pavilion. If you are at The Club, feel free to deliver your petition to the Concierge or front gate.

The Bridges
PO Box 1322
Rancho Santa Fe, CA 92067
Attn: Ken Ayers

Please understand how important each one of your responses is to this process. We know how important this issue is to you, it is time for your voice to be heard. Each response will truly make a difference.

Position On Driving Range

- The Town Council has no position on the driving range expansion and would not oppose it were it a separate application.
- Support for the application presented today from Bridges members should be construed as support for driving range.
- Unit 6 has been bundled with driving range to garner member support and has unnecessarily delayed needed expansion.

Breach of Public Trust

- Open space easement was condition of neighbors' project approval in 1986, to protect view shed and create buffer between rural properties and higher density development.
 - There is no way to mitigate for loss of view and buffer space.
-

Breach of Trust - Views

"..there were two stated reasons a biological open space easement was designated in Unit 6 in 1986: 1) to preserve a (...) plant (...) and 2) to **answer concerns about visual impacts** to adjacent single-family residences."

Response G-4 in FEIR dated March 17, 2006

Breach of Trust - Views

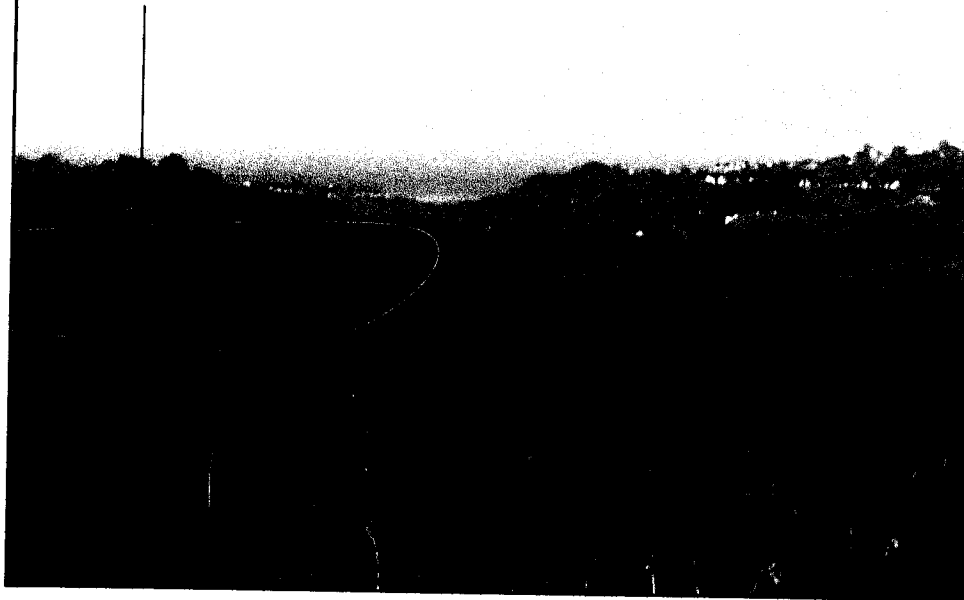
"The final EIR of the Canyon Creek Country Club Specific Plan (1986) included dedication of the biological open space easement as a biological **and visual** mitigation measure. During the public review and testimony period for the Specific Plan Final EIR, some neighboring property owners to the north-northwest contended that the **viewshed of native landscapes was an important visual resource** and that existing single family homes would be viewing other residences in place of naturally vegetated space."

Response G-5 in FEIR dated March 17, 2006

Unit 6 on 10/11/07 from
Paint Mountain Road



Unit 6 from Paint Mountain Road on
0/07 with ocean view behind



Applicant's Aesthetic Analysis

- Too few people affected, private views not a resource
- Not a prominent ridgeline
- Compatible with surrounding properties

Inadequate Aesthetics Analysis

- “Minimal number of private views that would be affected”. Twice as many current residents as proposed lots would have their prominent view to the ocean severely affected.
- Public views, which are considered a part of the physical environment under CEQA, would be affected as well.

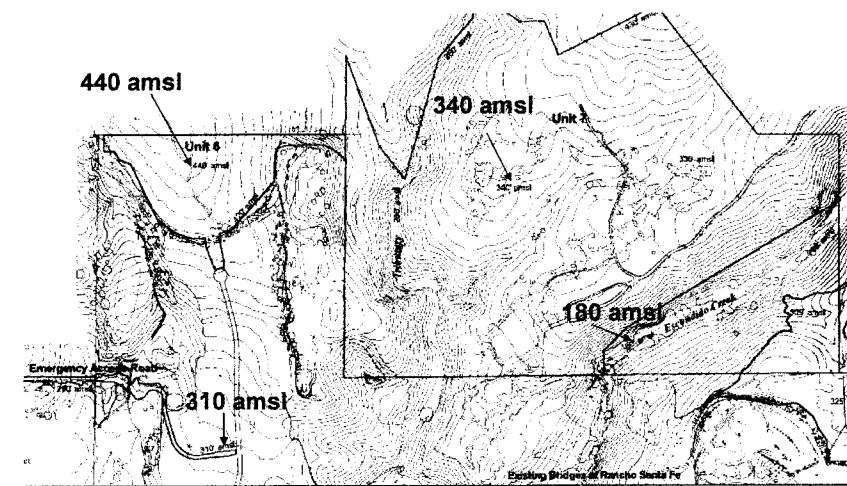
Inadequate Aesthetics Analysis

- “This parcel was not considered a prominent ridgeline or significant visual resource” (BRUN-7 p4-189 FEIR 12/14/07)
- In fact parcel is situated at brow of hill, as can clearly be seen from photographs from the East.

Unit 6 on 10/11/07 from
Paint Mountain Road



Unit 6 Highest Point in Development



Inadequate Aesthetics Analysis (cont'd)

- "Proposed development would be compatible with residences to the west and northwest": a gated community with clustered homes on one acre or less is not comparable to large (2 acres minimum) rural properties with large animal keeping surrounding Unit 6 currently.
-

Evaluation of Impact to Views Required

- New information presented here:

- 1) the number of private views that would be affected is not minimal - at least 8 additional on Paint Mountain alone
 - 2) the parcel is a prominent ridgeline from the East, making it a significant visual resource, including from public views, **evaluation of impacts to views is required.**
-

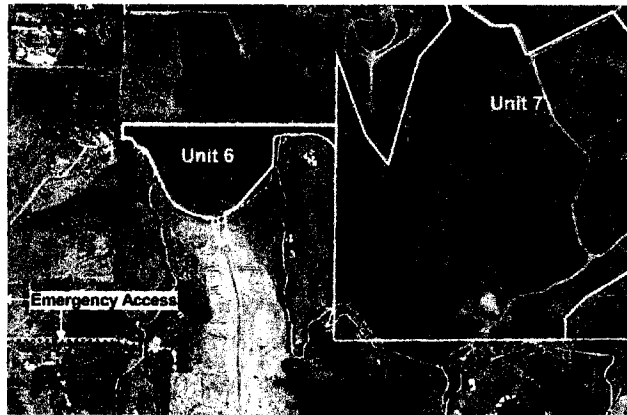
Vacation Would Be Precedent-Setting

- Vacating an open space easement meant to be held in perpetuity would “set a dangerous precedent” (SDPG 2005 letter)
- The neighboring communities of Elfin Forest and Harmony Grove would be at direct risk of losing considerable open space as other property owners avail themselves of same argument.
- Criteria set for vacation of easement have not been met, since Alamere property has not been shown to be equal or superior habitat.

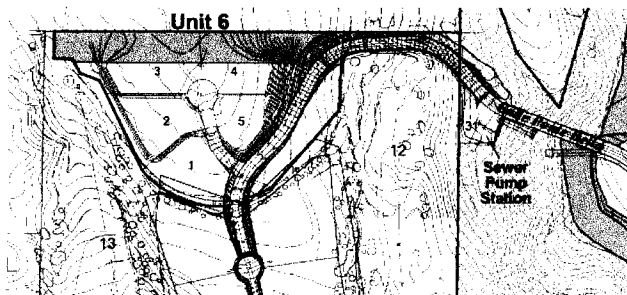
Growth Inducing/Project splitting

- County staff recommended denial of this project when it included Unit 7 in August 2007.
- We believe the main thrust behind developing Unit 6 is to provide access to a future Unit 7. A sixth “recreational open space” easement has been added to the initial design, conveniently located where access road to bridge to Unit 7 would be.

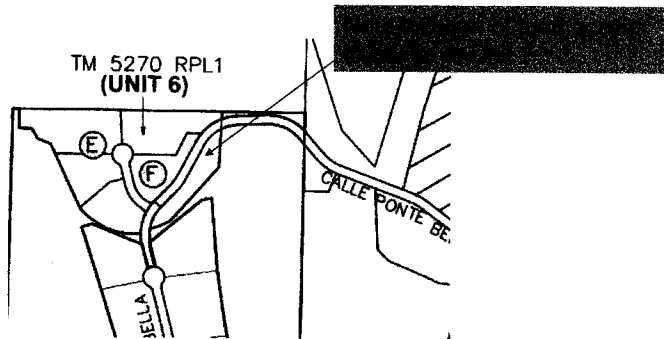
The Only Access to 7 is Through 6



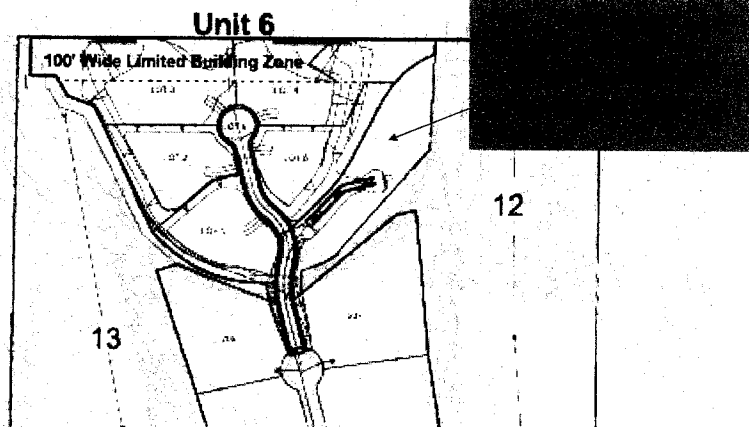
Unit 6 is Solely Designed As Access To Unit 7



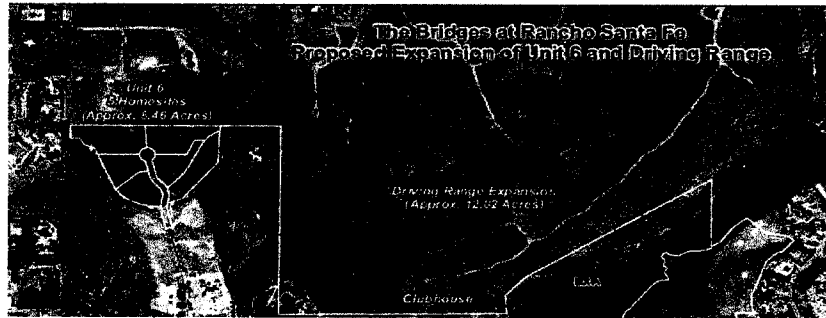
Unit 6 As Proposed Before



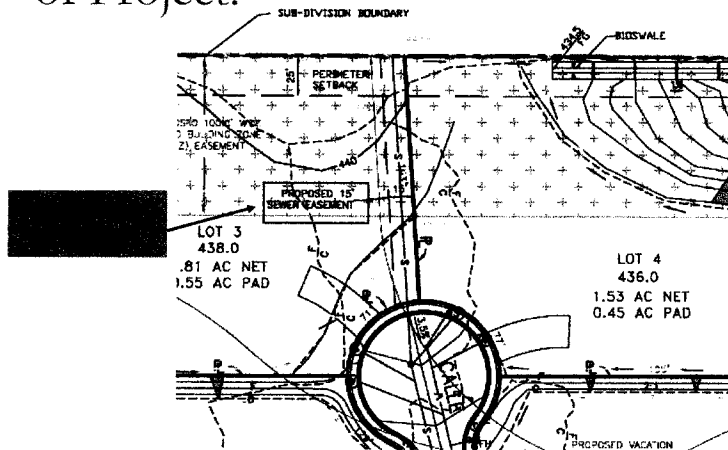
Unit 6 As Current Alternative C



Without Unit 6 There is No Unit 7



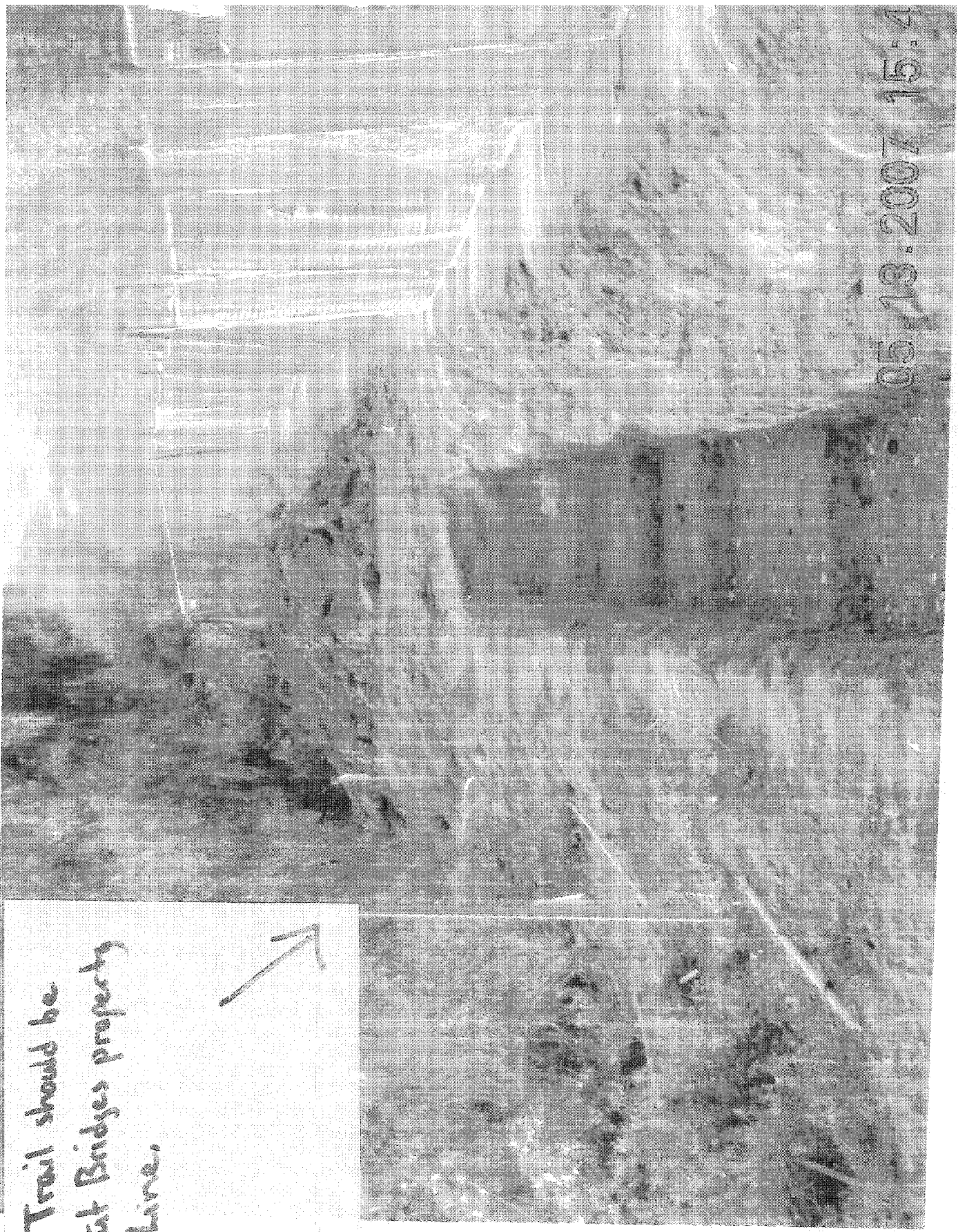
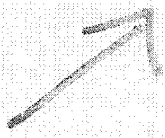
Why Is There a 15' Sewer Easement Out of Project?



Recommendations

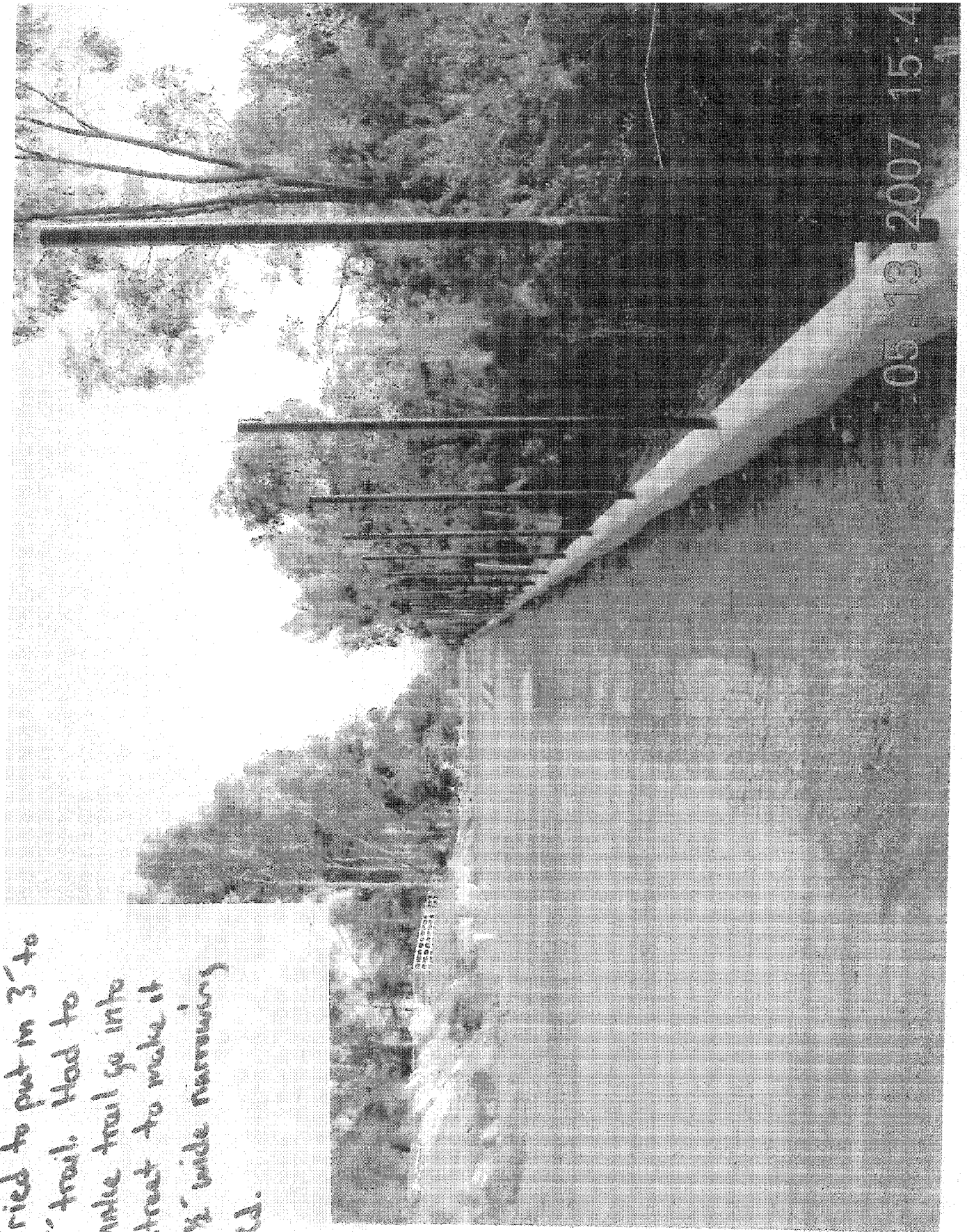
- Ask the applicant to decouple the driving range expansion from Unit 6 approval.
- Deny vacation of easement on Unit 6 on the grounds that it is growth inducing, a breach of public trust, and would set a dangerous precedent.
- Document purpose for sewer line and demonstrate it is not growth-inducing.

Trail should be
at Bridges property
line.



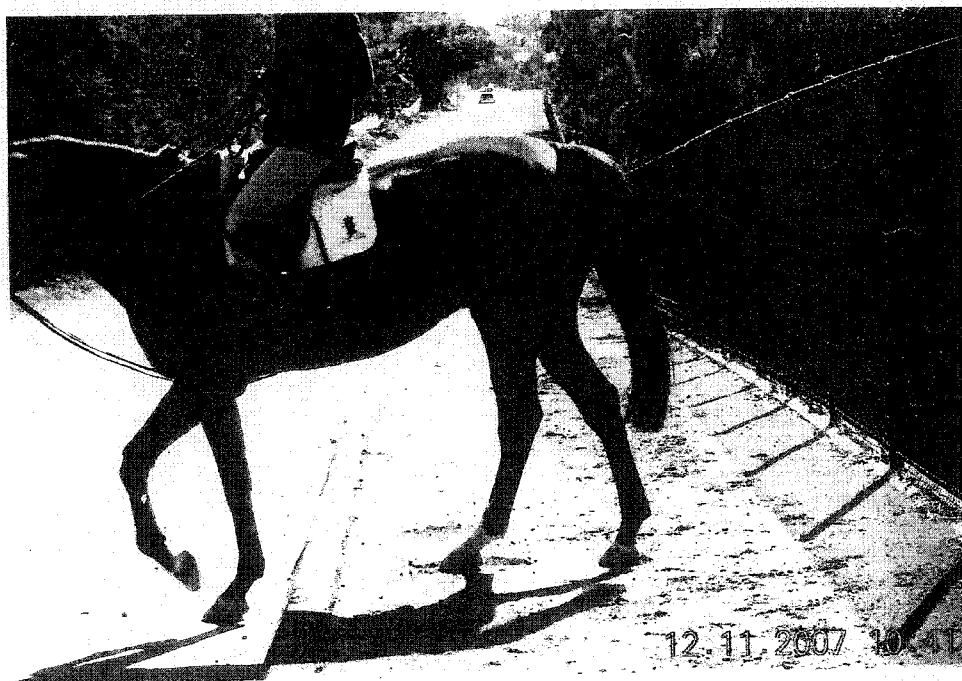
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tried to put in 3' to
5' trail. Had to
make trail go into
street to make it
7 1/2' wide narrowing
RD.

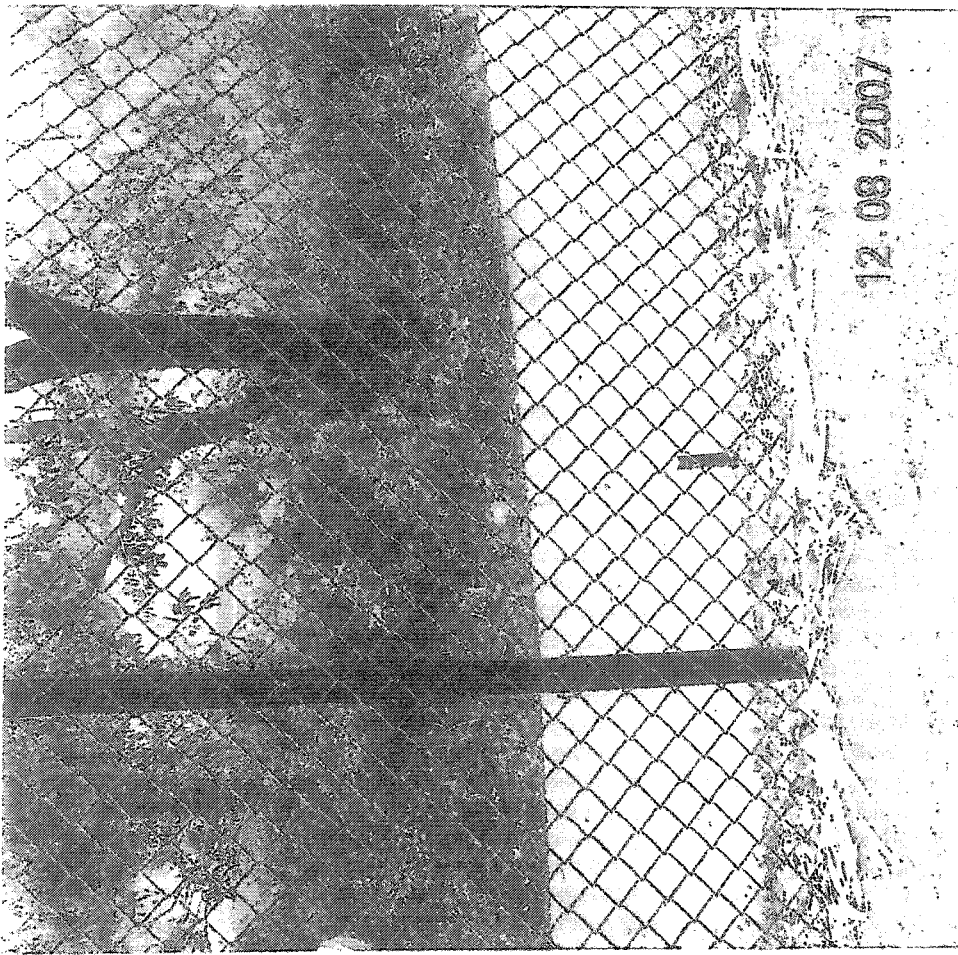


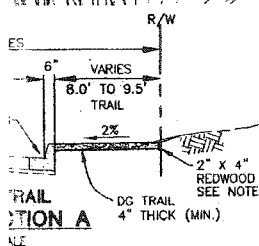
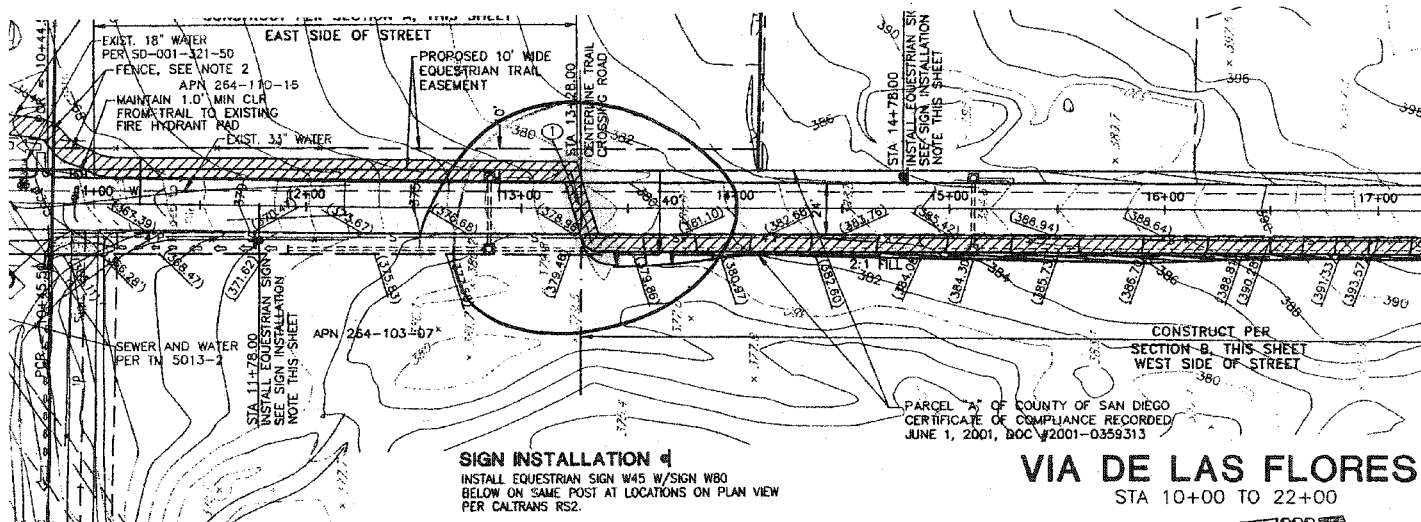
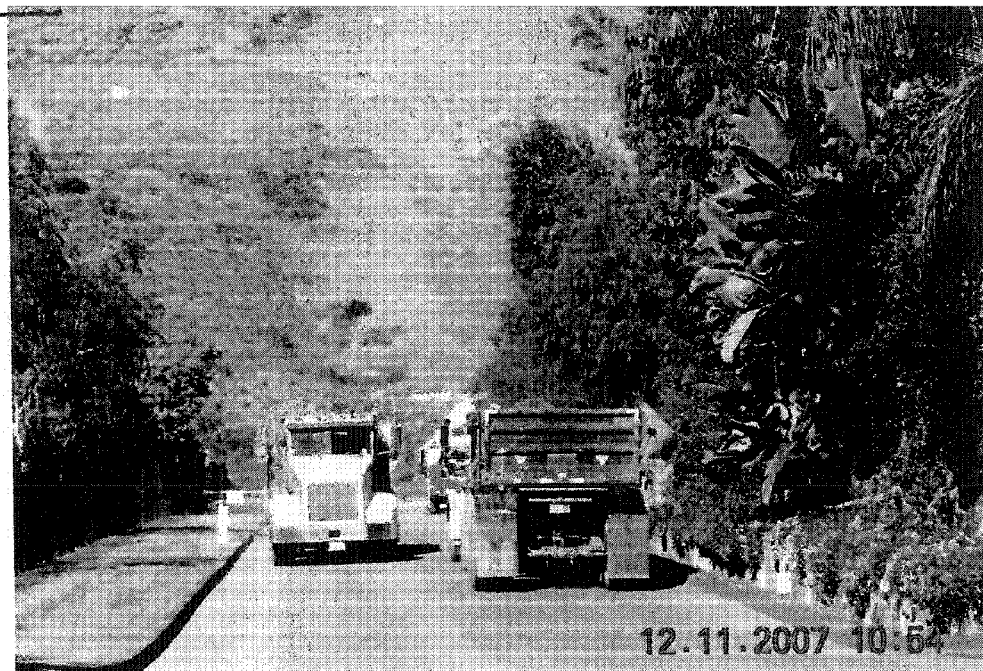
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Horses can't
turn around
in trail without
being endangered
of being hit.

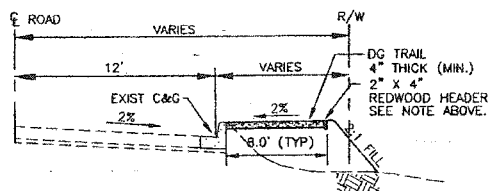


Let Golf cart trail to close
to road. Showing when they
built the Golf course they never
intended to build the Horie Trail,
they had promised

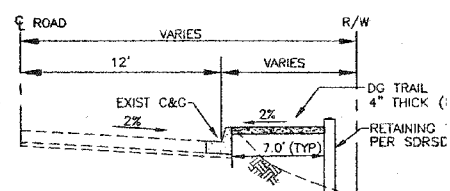




REDWOOD HEADER NOTE:
2" x 4" REDWOOD HEADER TO
ALLOW CONSTRUCTION OF THE DG TRAIL TO
GRADE WHILE MAINTAINING PROPER THICKNESS.



PROPOSED TRAIL



PROPOSED TRAIL

REGUITO ENGINEERING, INC.
107 MANCHESTER, SUITE 105
CONITAS, CA 92024
PHONE: (760) 753-5525



County of San Diego

DEPARTMENT OF PUBLIC WORKS

5555 OVERLAND AVE. SAN DIEGO, CALIFORNIA 92123-1295

(619) 594-2212
FAX (619) 298-0481
LOCATION CODE 550

COUNTY AIRPORT
COUNTY ROAD COMMISSIONER
TRANSPORTATION OPERATIONS
COUNTY SURVEYOR
FLOOD CONTROL
LIQUID WASTE
SOLID WASTE

June 24, 1993

TO: Lauren M. Wasserman, Director (0650)
Department of Planning and Land Use
Attention: Susan Porter, Regional Planner
Mark Stalheim, Project Planner

FROM: *Brian S. Headrick* BRIAN S. HEADRICK
John S. Burke, Deputy Director SENIOR CIVIL ENGINEER (0336)
Department of Public Works

SUBJECT: San Diego County Tract No. 5013 Replacement #2 Dated June 11, 1993

Based on review of the subject project and discussion among staff and the project engineer, please make the following changes to our February 11, 1993, recommendations for the January 27, 1993 Replacement Map.

Crossout indicates deletions, underline indicates additions.

1. Revise Condition C.2.e. to read as follows:

- e. With Unit (Phase) 3, Via De Las Flores, onsite and offsite, from Via Brigitte to Aliso Canyon Road, as a minimum shall be graded ~~thirty-two feet (32')~~ twenty-eight feet (28') wide and improved ~~twenty-four feet (24')~~ twenty wide with asphaltic concrete pavement over approved base. The improvement and design standards of Section 3.1(BC) of the County Standards for Private Streets for one hundred (100) to seven hundred fifty (750) ~~to twenty-five hundred (2,500)~~ trips shall apply. Improvements shall be centered on the easterly boundary of TM4569, i.e., the centerline of Old Survey 79. The offsite improvement shall be within the existing Irrevocable Offer to Dedicate. (See the Tentative Map typical section for Via De Las Flores.)

2. Revise Condition C.7.a. to read as follows:

- a. The applicant shall dedicate a ten foot (10') wide Pedestrian and Equestrian Trail easement to the County for the San Dieguito Community Plan Area along, adjacent to, and outside the right of way for Camino De Arriba, and a

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twenty foot (20') wide Pedestrian and Equestrian Trail easement beginning at Via De Los Flores extending to the northerly subdivision boundary running approximately along, adjacent to, and outside the San Diego County Water Authority Aqueduct Pipeline, and along the northerly side of Lots ~~3335~~ through ~~3739~~ to the City of Escondido sewer outfall, thence northeasterly along the City of Escondido Sewer Outfall Line to the subdivision boundary to the satisfaction of the Director, Department of Public Works. Additionally, the applicant may voluntarily offer to dedicate a twenty foot (20') wide Pedestrian and Equestrian Trail easement within Open Space Lot ~~4713~~ to the satisfaction of the Director, Department of Public Works.

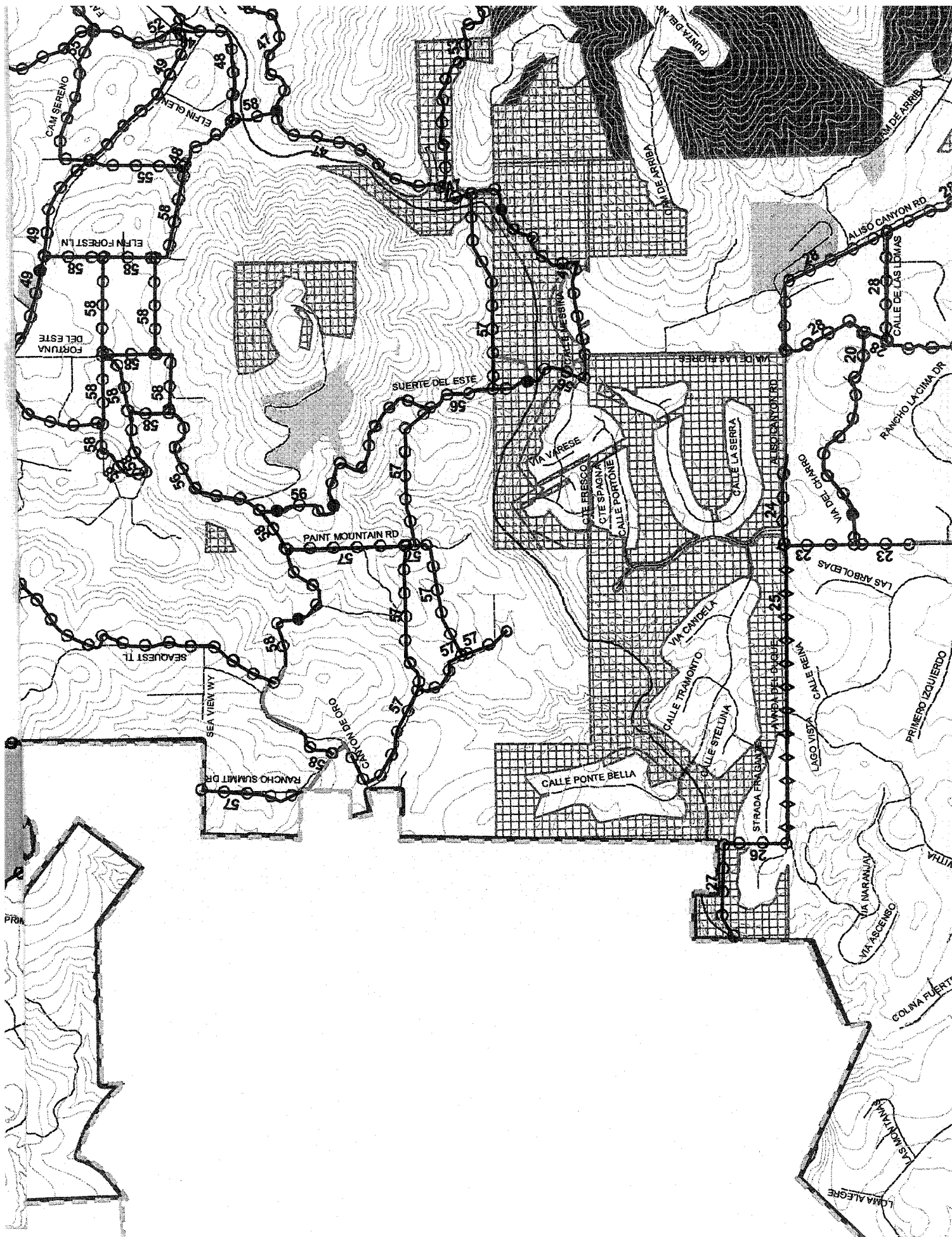
All trails shall be located within a minimum twenty-foot (20') wide trail easement corridor to be dedicated to the County unless otherwise specified. A blanket trail easement shall not be designated over the subject Tentative Map.

3. Revise SPECIAL INFORMATION Item b. to read as follows:

- b. The proposed subdivision lies within the boundaries of the Rancho Santa Fe Community Services District (R.S.F.C.S.D.).

The developer is proposing that five (5) lots, ~~41, 42, 43, 44, and 45~~ 44, 45, 46, 47, and 48, be sewered by the Rancho Cielo Sanitation District (R.C.S.D.). If these lots are to be sewered by R.C.S.D., the following special conditions will apply:

- (1) These five lots must be de-annexed from R.S.F.C.S.D. and annexed to R.C.S.D.
- (2) Standard Condition 21 will apply to these lots with these caveats:
 - (a) Plans for a public sewer will not be approved for these five lots by R.C.S.D., nor will commitments be issued for these lots unless District determines that acceptance of the wastewater treatment facility can be expected within six (6) months or is deemed 50 percent complete. Acceptance allows for sixty (60) days operational checkout after completion of construction.
 - (b) No occupancy permits shall be issued prior to the approval of the engineering certification report on the wastewater treatment facility by the District.
 - (c) The above condition shall be binding and included as a part of all escrow instructions for any and all sales of Lots ~~4144~~ through ~~4548~~ that occur prior to acceptance of the wastewater treatment facility.



#4
LAW OFFICES OF EVERETT L. DELANO III

220 W. Grand Avenue
Escondido, California 92025
(760) 510-1562
(760) 510-1565 (fax)

December 13, 2007

RECEIVED
DEC 14 2007

San Diego County
Planning Commission

VIA FACSIMILE & U.S. MAIL

Cheryl Jones
Planning Commission Secretary
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123

Re: The Bridges Unit 6 and Driving Range Expansion: SPA 01-004, TM 5270RPL, P85-084W, P85-064W, B/C 03-0250, B/C 03-0221, Santa Fe Creek: SPA 03-006, VAC 03-018; Final Environmental Impact Report

Dear Ms. Jones:

This letter is submitted on behalf of The Escondido Creek Conservancy ("TECC") and the Elfin Forest/Harmony Grove Town Council in connection with the proposed Bridges at Rancho Santa Fe development project ("Project") and Final Environmental Impact Report ("FEIR"). **Please ensure that copies of this letter are provided to Planning Commission members prior to their consideration of the Project and FEIR at this Friday's Planning Commission meeting.**

This letter is intended to supplement prior correspondence regarding this Project and the FEIR, including my August 24, 2006 letter. These letters demonstrate that the Project and the FEIR are inadequate and should be rejected.

The California Environmental Quality Act ("CEQA"), Pub. Res. Code §§ 21000 - 21177, must be interpreted "so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal. App. 3d 247, 259. If an EIR fails to provide agency decision-makers and the public with all relevant information regarding a project that is necessary for informed decision-making and informed public participation, the EIR is legally deficient and the agency's decision must be set aside. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App. 3d 185, 193. "The portions of the EIR that must without compromise be understandable by the lay public are those which describe the project." *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1987) 193 Cal.App.3d 1544, 1551.

The FEIR's project description is entirely inadequate. While a "preface" to the FEIR indicates that Unit 7 will not be developed, the FEIR contains discussion

throughout its text about the ways in which Unit 7 will be developed. For example, there is substantial discussion of changes to Unit 7 in the Project Description section of the FEIR.

Furthermore, there are certain places where the description is confusing. For example, while the preface seems to indicate that Unit 7 will not be developed, the driving range modification was to include "boundary adjusted out of Unit 7." FEIR at 1-3. It is unclear whether and, if so, to what extent the driving range expansion will or will not include portions of Unit 7. Additionally, impacts, such as biological resource impacts, associated with such expansion are inadequately explained, particularly since it is impossible to tell from the text of the FEIR which aspects of the development of Unit 7 remain and which do not.

Similarly, the FEIR discussed the need for import of 1,600 cubic yards of material, which was proposed to come from the grading of Unit 7. FEIR at 1-7. It is unclear how the material needs will be addressed. And impacts associated with such import are not discussed.

It is also unclear which, if any, of the mitigation measures discussed in the FEIR will be accomplished. *See generally* FEIR at 2.2-11 to 2.2-19. For example, the FEIR had discussed revegetation of graded slopes along the creek. FEIR at 2.2-15. It is unclear whether, and to what extent, this and other mitigation measures will be accomplished. Because an "unstable project description draws a red herring across the path of public input," it defeats the public participation purposes of CEQA. *County of Inyo*, 71 Cal.App.3d at 198.

Additionally, the FEIR's discussion of mitigation is vague. It is difficult to tell which mitigation parcels will be used and, of these, which portions of those parcels will be used. *See e.g.*, FEIR Table S-1.

The FEIR's discussion of land use and visual impacts is insufficient. A prior EIR determined that open space was important to reduce visual impacts. The FEIR claims that this same open space can be vacated, yet there is no discussion as to whether and how conditions have changed since the adoption of the prior EIR. FEIR at 6.1 – 6.2. If the open space was important previously, it should be important today unless factors have changed significantly.

The proposed findings for the vacation of open space are inconsistent with Policy I-103. For example, they claim that the "the visual characteristics of the proposed estate home development would be compatible with the residences off-site to the west and northwest" However, the purpose behind the original dedication of open space was to have an area free of development that was within the viewshed of surrounding properties. The development of Unit 6, even if it is with "compatible" residences, takes away the open space purpose served by the easement.

Additionally, the proposed findings for the vacation of the open space easement suggest that the biological value in Unit 6 has declined since it was originally set aside, but there is inadequate evidence to show how or why it has declined. If the alleged declined value of the biological open space is associated with the applicant's management of this open space, the applicant should not be rewarded for such a decline, which is likely inconsistent with its obligations under current requirements.

Furthermore, the conditions of approval for the prior project anticipated that vacation might be possible but only if the alternative would provide "native landscape with the same balance of sensitive biological species." There is no showing that the Alamere site meets these criteria. There is no biological report or other data showing the quality or quantity of sensitive biological species on the Alamere site or how the sight provides the "same balance." The County must demonstrate by substantial evidence that the findings are supportable. *Pacific Corp. v. City of Camarillo* (1983) 149 Cal.App.3d 168, 178. The FEIR's discussion of these impacts is insufficient, and it illegally defers appropriate mitigation for impacts to Unit 6.

The Project is likely to have growth inducing effects, which are insufficiently addressed in the FEIR. Among other things, a 15-foot wide sewer easement has recently surfaced and is proposed for an area leading north of Unit 6. This indicates that the applicant anticipates further sewer extensions and expansion in the area. Similarly, the designation of a "recreational open space" area leading out of Unit 6 and toward Unit 7 indicates that the applicant intends to develop Unit 7 in the future and plans to seek to vacate that open space in order to construct a road into Unit 7.

Recirculation of an EIR is required whenever the lead agency adds significant new information. Pub. Res. Code § 21092.1; *Laurel Heights Improvement Assoc. v. University of California* (1993) 6 Cal.4th 1112, 1130. In this instance, the Project has been revised significantly and the FEIR should be recirculated with careful attention to the revised Project and its potential impacts.

For the foregoing reasons, TECC and the Town Council request that the Planning Commission reject the Project and the FEIR.

If you have a question or need additional information, please contact me. Thank you for your attention to this matter.

Sincerely,



Everett DeLano

Interview with Jose Suastegui, December 5, 2007 at 12:00 pm in regard to activities on October 22, 2007.

Present: Jose Suastegui, Filemon Arroyo (Translator), Phil Sauer (Supervisor and Horticulturist), Leilani Fraser (Office Manager & Note taker) & Ken Ayers (Community Director).

Question 1: Where were you and what work you doing in Unit 6 on the morning of October 22, 2007 (the morning of the fire)?

Jose: I was hand watering behind # 13, with landscape hoses hooked up to the quick coupler on # 13 white tee. I had 4 hoses, stretching approx. 200 feet.

Question 2: What manager instructed you to be at that location?

Jose: Liberato Arellano (Foreman) told me to go out there.

Question 3: What time were you stationed there?

Jose: From approximately 7:30 am to 9:30 am.

Question 4: Did you visibly see anyone else around the area you were located?

Jose: Yes, a man and a woman at a neighboring house outside the fence (See attached map), not in The Bridges community. They told me to leave because of the fires. They also had a camera in their hands, but I did not notice what they were taking pictures of.

Question 5: Did you leave after they told you to leave?

Jose: I worked for another five minutes and then left the area with my Supervisor and other members of the crew.

Question 6: How did you get to and from the site?

Jose: In Liberato's maintenance truck (a brown ford pick up truck). He drove down the cart path and he dropped us off at the tee box and I walked from there. (See attached map).

Question 7: What were you wearing, what kind of equipment did you have with you?

Jose: Safety glasses, a mask, 4 landscape watering hoses, a quick coupler and my regular clothes.

Question 8: Did you have any backpack sprayers or other pesticide equipment?

Jose: No.

Question 9: Did you see any fire or embers?

Jose: No.

Question 10: Did you communicate with a Supervisor when you returned?

Jose: Yes, I told Liberato about the man and woman that told me leave due to the fires.

Signed,


Jose Suastegui


Filemon Arroyo


Phil Sauer


Leilani Fraser


Ken Ayers

Interview with Liberato Arellano (Lead Foreman, Jose's direct Supervisor):

Question 1: What did you instruct Jose and your crew to do that morning?

Liberato: I instructed 4 of my employees to man various spots in that area. I instructed Jose to water down the dry brush and look for possible fire embers in that section of the property.

Question 2: Where else was your team located that morning?

Liberato: Jose Suastegui was at the far NW corner of the property, Francisco Aviles was a little bit south of Jose, Gerardo Tapia was on the western edge of the green and native by # 12. Miguel Tapia was on the backside of the green # 12. (See attached map for locations)

Question 3: What were you doing at that time?

Liberato: I was walking the entire fenceline in Unit 6 (See attached map).

Question 4: Did you see the man and woman that Jose saw?

Liberato: No.

Question 5: Did you see any fire or embers?

Liberato: No.

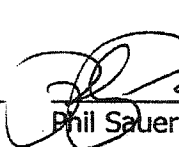
Question 6: What did Jose tell you when he returned?

Liberato: He told me that a man and woman had asked him to leave due to the fires.

Signed,

X. LIBERATO

Liberato Arellano


Phil Sauer


Leilani Fraser


Ken Ayers

Interview with Phil Sauer (Horticulturist & Supervisor to Jose & Liberato)

Question 1: What did you instruct the staff to do that morning?

Phil: I broke the crew into groups of 4 – 5 people, with a point person in each group to check various areas of the property.

Question 2: What was your responsibility that morning?

Phil: I was checking for fire and watering on the NE side of the property, near # 7 green and Cortile.

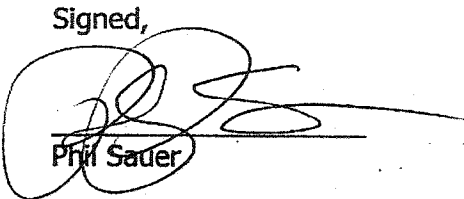
Question 3: What were your instructions to Liberato and his group?

Phil: I directed them to check Unit 6 and check along the fenceline.

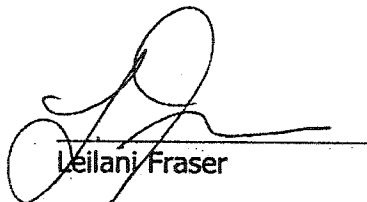
Question 4: Where were other crews located throughout the property?

Phil: One group was on the # 10 & # 11 bridge protecting the main line, one group was patrolling Via de las Flores and Escondido Creek basin below Cortile, another group was on Aliso Canyon Road, another on Avenida del Duque. Other groups were at the Clubhouse, Sports Center and driving range and one more group was checking the golf course.

Signed,



Phil Sauer

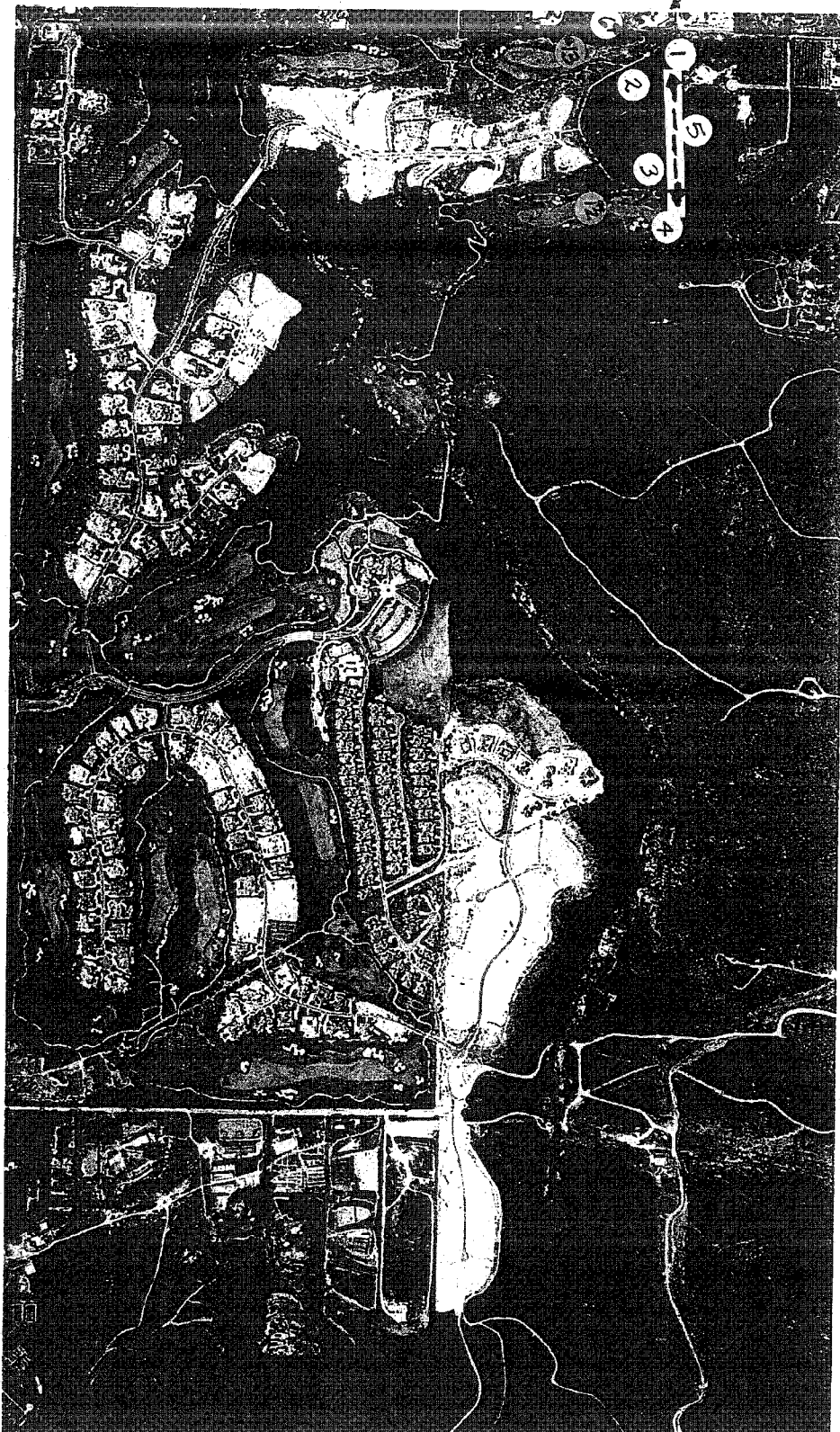


Leilani Fraser



Ken Ayers

- ① Jose Suastegui - 200' from #13 tee box.
- ② Francisco Aviles - 200' along cart path, #13.
- ③ Gerardo Tapia - western edge of green & native on #12.
- ④ Miguel Tapia - Backside of green #12
- ⑤ Liberate Arellano - walked fence line from #13 tees to #12 tees.
- ⑥ House where man & woman were standing.



DECLARATION OF VIRGINIA PERKINS

RECEIVED
DEC 14 2007
San Diego County
Planning Commission

I HAVE RESIDED AT 3451 BUMANN ROAD, ENCINITAS, CALIFORNIA SINCE 1981. MY HOME SITS NEXT TO THE NORTHWEST CORNER OF THE UNIT 6 PARCEL. THE SOUTHEAST CORNER OF MY HOUSE IS APPROXIMATELY 25 FEET WEST OF THE FENCE ALONG THE WESTERN BOUNDARY OF UNIT 6. IT IS ALSO APPROXIMATELY ONE HUNDRED FEET FROM THE 13TH TEE ON THE NEIGHBORING BRIDGES GOLF COURSE.

ON OCTOBER 22, 2007, AT APPROXIMATELY 9 AM, I WAS STANDING BEHIND MY HOUSE AT THE FENCE ALONG THE WESTERN BOUNDARY OF THE UNIT 6 PARCEL. I WAS APPROXIMATELY 18 FEET DUE SOUTH OF THE NORTHWEST CORNER. I WAS AT THAT LOCATION TO TRY TO DETERMINE THE WESTERLY PROGRESS OF THE WITCH FIRE.

WHILE STANDING AT THIS LOCATION, I SAW THREE MEN, MAKING METHODICAL, WAVING ACTIONS WITH THEIR HANDS OVER PLANTS IN THE BIOLOGICAL OPEN SPACE IN UNIT 6.

THE MEN WERE A SUBSTANTIAL DISTANCE IN FRONT OF ME, BEYOND THE NORTH END OF THE LANDSCAPED AREA AROUND THE 13TH TEE.

A RED DOT ON AN AERIAL PHOTOGRAPH, ATTACHED AS EXHIBIT "A" TO THIS DECLARATION, SHOWS THE APPROXIMATE LOCATION OF THE MAN APPEARING IN EXHIBIT "B", A PICTURE I TOOK THAT MORNING. THIS LOCATION DESIGNATION IS BASED UPON THE PICTURES I'VE TAKEN, MY VISUAL OBSERVATIONS, PICTURES AND INFORMATION FROM BRAD THORNBURGH AND A USE OF THE SCALE DISTANCE SCALE ON THE AERIAL PHOTOGRAPH ATTACHED AS EXHIBIT "A".

WHILE STANDING AT THE BACK OF MY PROPERTY THAT MORNING AND OBSERVING THE MEN, THE WIND WAS GUSTING AND BLOWING DIRECTLY INTO MY FACE. I FELT A SPRAY OF SMALL LIQUID DROPS, ON MY FACE. I WAS WEARING GLASSES SO NOTHING GOT INTO MY EYES, BUT I DID HAVE TO WIPE OFF MY FACE AND GLASSES WITH MY SHIRT.

AT THIS POINT I WAS ALARMED AT THE THOUGHT OF HAVING BEEN SPRAYED WITH AND INHALED SOME UNKNOWN SUBSTANCE. I IMMEDIATELY WENT BACK TO MY HOUSE AND RETURNED WITH MY PENTAX CAMERA. I TOOK TWO PICTURES OF TWO OF THE MEN DOING THE SPRAYING AND THESE PICTURES ARE ATTACHED HERETO AS EXHIBITS "B" AND "C".

IN EXHIBIT "D" TO THIS DECLARATION, A PICTURE I UNDERSTAND WAS TAKEN BY BRAD THORNBURGH ON DECEMBER 13, 2007, A RED ARROW POINTS TO THE LOCATION OF THE MAN IN EXHIBIT "B". IN EXHIBIT "D" YOU CAN SEE UNDER THE ARROW THE OUTLINE OF A DISTINCTIVE BUSH WHICH ALSO APPEARS IN EXHIBIT "B".

SOMETIME LATER THAT MORNING AFTER I TOOK THE PICTURES, BRAD THORNBURGH, MY NEIGHBOR, ARRIVED AT MY RESIDENCE AND JOINED ME AT THE BACK FENCE. THE THREE MEN WERE NOW WORKING MUCH CLOSER TO MY PROPERTY, BUT STILL CLEARLY IN THE OPEN SPACE. BRAD SPOKE TO THE MAN WHO APPEARED TO BE THE SUPERVISOR. HE ASKED THEM WHAT THEY WERE DOING AND RECEIVED NO RESPONSE. BRAD THEN SPOKE TO THEM IN SPANISH. THERE WAS A BRIEF RESPONSE FROM THE LEAD MAN IN SPANISH BUT THE MEN KEPT ON WITH THEIR SPRAYING ACTIVITIES.

AT NO POINT ON OCTOBER 22, 2007 DID I SEE ANYONE SPRAYING AT OR CLOSE BY THE LANDSCAPED VEGETATION SURROUNDING THE 13TH TEE.

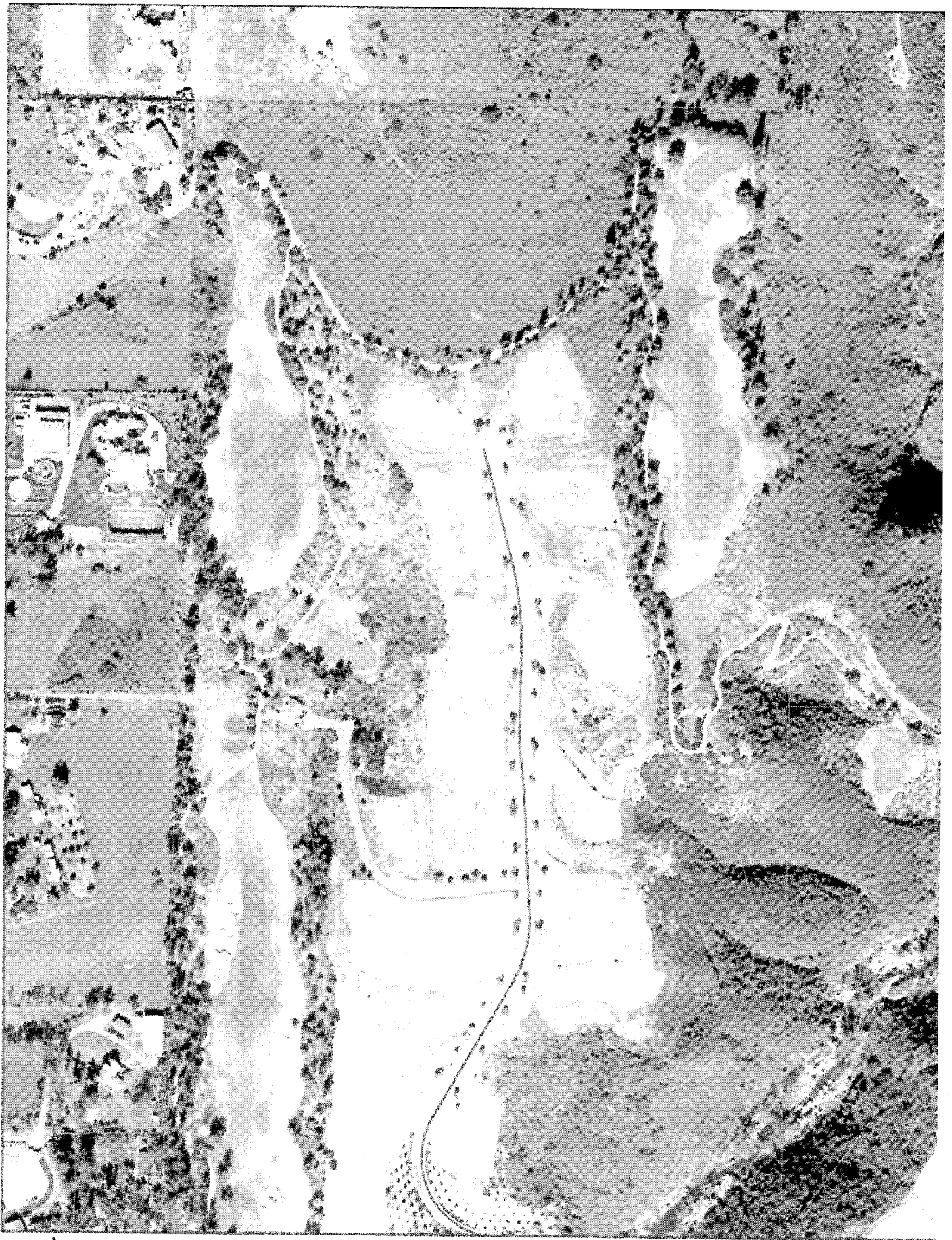
IN THE LAST FEW YEARS, I'VE SEEN MEN, SPRAYING SOME UNKNOWN LIQUID IN THE LANDSCAPED AREA BY THE 13TH TEE. I ALSO RECALL PREVIOUSLY SEEING WORKERS IN THE OPEN SPACE AREA WHOSE ACTIONS WERE CONSISTENT WITH SPRAYING ACTIVITIES.

LIVING IN THE AREA AS LONG AS I HAVE, I HAVE BECOME FAMILIAR WITH THE NAMES OF MANY OF THE PLANTS THAT MAKE UP DIEGAN COASTAL SAGE SCRUB AND I AM ALSO FAMILIAR WITH MANY OF THE BIRDS THAT FREQUENT THE AREA. I AM FAMILIAR WITH THE CALLS AND APPEARANCES OF THE CALIFORNIA GNATCATCHER AND HAVE FREQUENTLY HEARD AND OBSERVED GNATCATCHERS IN THE UNIT SIX BIOLOGICAL OPEN SPACE AREA. ON MANY OCCASIONS I HAVE OBSERVED GROUPS OF GNATCATCHERS, WHICH APPEARED TO BE PARENTS WITH THEIR JUVENILES, ON THE BOUNDARY FENCE BETWEEN MY HOME AND THE OPEN SPACE.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

DECEMBER 13, 2007


VIRGINIA PERKINS



400 200 0 400 Feet

Exhibit B

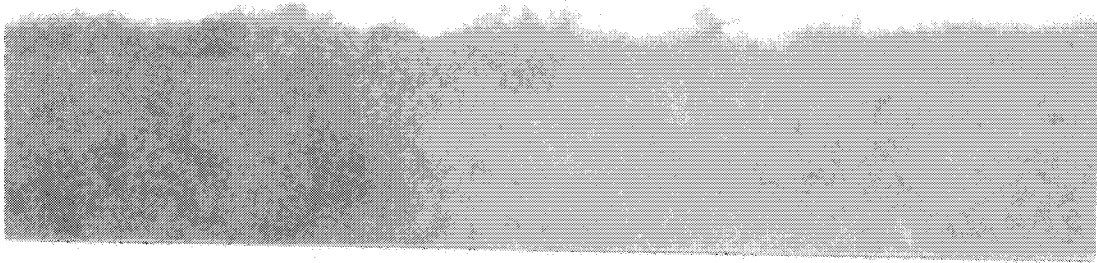


Exhibit C





Kevin Johnson

From: "Andy Mauro" <akamauro@cox.net>
To: "Kevin Johnson" <kkj@johnsonandhanson.com>
Sent: Thursday, December 13, 2007 9:13 PM
Attach: Bridges Area 6.jpg
Subject: California Gnatcatcher sightings at Bridges

RECEIVED
DEC 14 2007

San Diego County
Planning Commission

To: Kevin Johnson

RE: Sightings of California Gnatcatcher at the Bridge's Golf Course, Unit Six

Dear Kevin,

In response to your request for clarification of my letter to Ginger Perkins of April 9, 2007, I can offer the following details. I have reviewed your aerial photograph (attached to this e-mail) and can identify a portion of the Unit Six area as the undeveloped sage scrub vegetation at the top of the photo which resembles an upside down riding helmet, and is located north of the cart path which runs between the golf course's 12th hole and the 13th

tee. I can attest that I and my team have observed from 2-3 pairs of California Gnatcatchers spread out within this area of Unit Six on each of our annual bird surveys conducted over the last five years. Our observations have included visual sightings as well as the easily

identifiable calls of the California Gnatcatcher. As mentioned in my letter to Ms. Perkins, I am the leader of the Audubon Christmas Bird Count team assigned to survey the Bridge's Golf Course, and have had extensive experience at field surveying of birds in San Diego County.

Sincerely,

Andrew Mauro

Ginger Perkins
3451 Bumann Road
Encinitas, CA 92024

April 9, 2007

RE: Sightings of California Gnatcatcher at The Bridges of RSF Golf Course

Dear Ms. Perkins:

As we discussed in our telephone conversation today, multiple numbers California Gnatcatchers have been observed at The Bridges of RSF Golf Course on each of five successive Audubon Christmas Bird Counts conducted from 2003 through 2006. I have been the team leader on the bird counts at The Bridges over this five-year period, and have submitted the tallies of each year's count for inclusion in the official overall totals for the Rancho Santa Fe Christmas Bird Count. (Ref. RSF Christmas Bird Count Official Results, Robert Patton, coordinator and compiler).

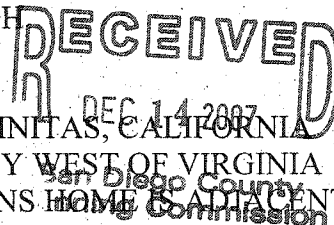
Our team has encountered California Gnatcatchers at several different locations along our route within the golf course over the years, and has consistently observed at least one pair of gnatcatchers in the undeveloped patch of sagebrush habitat that exists along the edge of the cart path which skirts the 12th hole fairway and leads to the 13th hole tee. Our 2006 Christmas Bird Count survey was conducted on 12/19/06, and recorded a minimum of six pairs of California Gnatcatchers in this general location. My understanding is that this particular parcel of habitat had been set aside as gnatcatcher habitat a number of years ago. In total, I have personally participated in seven bird surveys during the months of December and January from 2003 through 2006, and have observed California Gnatcatchers in this area on each occasion.

Each year, our Christmas Bird Count survey team at The Bridges generally includes three to four experienced birders, plus several amateurs. Criteria for classification as "experienced birder" includes membership in the San Diego Field Ornithologists, regular participation in official bird surveys conducted for the San Diego Natural History Museum (San Diego County Bird Atlas Project), the San Elijo Lagoon Conservancy (San Elijo Lagoon Monthly Bird Survey), and the National Audubon Society (Christmas Bird Count), and leader of public bird walks throughout the area. Participants are fully experienced with identification of the California Gnatcatcher by sight and sound.

Sincerely,

Andrew Mauro
808 Capri Road
Encinitas, CA 92024
760-753-1266

DECLARATION OF BRAD THORNBURGH



I HAVE RESIDED AT 3448 BUMANN ROAD, ENCINITAS, CALIFORNIA SINCE 1998. I LIVE NEXT DOOR TO AND IMMEDIATELY WEST OF VIRGINIA PERKIN'S HOME AT 3451 BUMANN ROAD. MS. PERKINS HOME IS ADJACENT TO THE NORTHWEST CORNER OF THE BRIDGES UNIT 6 PARCEL.

ON OCTOBER 22, 2007, AT APPROXIMATELY 9:30 AM, I CALLED MY NEIGHBOR VIRGINIA PERKINS TO SEE IF SHE NEEDED ANY HELP EVACUATING BECAUSE OF THE APPROACHING WITCH FIRE. SHE TOLD ME THAT I NEEDED TO COME OVER AND WITNESS MEN SPRAYING SOMETHING IN THE BRIDGES UNIT 6 OPEN SPACE.

I JOINED VIRGINIA AT THE BACK OF HER HOUSE JUST BEFORE 10 AM. WE WERE STANDING AT THE FENCE LINE WITH THE UNIT 6 PROPERTY. WE WERE APPROXIMATELY 18 FEET SOUTH OF THE NORTHWEST CORNER OF UNIT 6 PARCEL.

WHILE STANDING AT THIS LOCATION, I SAW THREE MEN, WEARING CHEMICAL BACK PACKS AND FACE MASKS, CAREFULLY SPRAYING VEGETATION IN THE OPEN SPACE AREA NORTH EAST OF THE LANDSCAPE AREA AROUND THE 13TH TEE. THEY WERE NOT SPRAYING AT OR EVEN NEAR THE LANDSCAPED AREA. TWO OF THE MEN WERE WORKING WELL OVER 100 FEET INTO THE OPEN SPACE FROM THE LANDSCAPE AROUND THE TEE. AT ALL TIMES I OBSERVED THEM THEY WERE WORKING IN AREAS WITH NATIVE VEGETATION AT LEAST ONE TO THREE FEET HIGH.

I CALLED OUT TO THE MEN TO ASK THEM WHAT THEY WERE DOING. ONE OF THE MEN ACKNOWLEDGED ME, AND I ASKED HIM WHAT HE WAS DOING. HE WAS APPROXIMATELY 30 YARDS FROM ME AT THE TIME. HE DID NOT RESPOND. I THEN ASKED HIM THE SAME QUESTION IN SPANISH AND HE RESPONDED BRIEFLY WITH A STATEMENT I COULD NOT UNDERSTAND. THE MEN KEPT WORKING. I THEN TOLD THE SUPERVISOR THAT IT WAS DANGEROUS TO BE IN THE AREA BECAUSE OF THE APPROACHING FIRE. HE AND HIS CREW CONTINUED SPRAYING THE VEGETATION.

ON NOVEMBER 12TH, I ASKED FOR A MEETING WITH LENNAR REPRESENTATIVES AND MET WITH THE LOCAL HEAD OF LENNAR DEVELOPMENT, MIKE LEVESQUE, AND HIS COLLEAGUE KAREN MOSSBERG. I ASKED FOR AN EXPLANATION FROM THEM ABOUT WHAT THE WORKERS WERE DOING THAT DAY AND ALL I WAS TOLD WAS THAT "LENNAR HAD ALL OF THE GROUNDKEEPING STAFF OUT TAKING DEFENSIVE MEASURES" AGAINST THE FIRE. IT WAS IMPLIED THAT THE THREE WORKERS I SAW WERE PERHAPS PART OF THIS EFFORT.

I FOUND THIS TO BE COMPLETELY LACKING IN PLAUSIBILITY BECAUSE THE FIRE WAS APPROACHING THE BRIDGES FROM THE EAST. THE EASTERN BOUNDARY OF THE BRIDGES DEVELOPMENT IS LITERALLY THOUSANDS OF YARDS AWAY FROM UNIT 6. MOREOVER, CAREFULLY SPRAYING INDIVIDUAL PLANTS WITH WATER VIA VERY LOW VOLUME HANDHELD WANDS WOULD BE AT BEST A HIGHLY INEFFECTIVE WAY TO STOP THE PROGRESS OF THE FIRE.

WHILE AT THE PERKINS PROPERTY ON DECEMBER 12, I WENT OVER TO THE PARCEL DUE NORTH OF UNIT 6 AND PACED OFF THE DISTANCE FROM THE NORTH EAST CORNER OF UNIT 6, ALONG THE NORTH PROPERTY LINE, TO THE POINT AT WHICH I WAS EVEN WITH THE DISTINCTIVE PLANT SEEN IN BOTH EXHIBITS "B" (PERKINS PHOTO OF OCTOBER 22) AND "D" (MY PHOTO TAKEN DECEMBER 13, 2007). THE PLANT, I DETERMINED, IS LOCATED APPROXIMATELY 240 FEET EAST OF THE FENCE BETWEEN THE PERKINS PROPERTY AND THE UNIT 6 PARCEL.

A RED DOT ON AN AERIAL PHOTOGRAPH, ATTACHED AS EXHIBIT "A" TO THIS DECLARATION, SHOWS THE APPROXIMATE LOCATION OF THE MAN APPEARING IN EXHIBIT "B", A PICTURE I AM INFORMED AND BELIEVE, WAS TAKEN BY GINGER PERKINS THE MORNING OF OCTOBER 22ND. THIS DOT LOCATION IS CONSISTENT WITH MY PACING MEASUREMENT, MY VISUAL OBSERVATIONS, A PICTURE I TOOK ON DECEMBER 13TH AT THE PERKINS FENCE LINE (EXHIBIT "D") AND USE OF THE DISTANCE SCALE ON THE AERIAL PHOTOGRAPH ATTACHED AS EXHIBIT "A".

THE RED ARROW ON EXHIBIT "D" POINTS TO THE LOCATION OF THE MAN IN EXHIBIT "B". YOU CAN SEE UNDER THE ARROW THE OUTLINE OF A DISTINCTIVE BUSH WHICH ALSO APPEARS IN EXHIBIT "B". THE PICTURE THAT IS EXHIBIT "C" TO THIS DECLARATION WAS TAKEN, I AM INFORMED AND BELIEVE, BY GINGER PERKINS ON OCTOBER 22, 2007. EXHIBITS "B" AND "C" DEPICT TWO OF THE MEN I SAW ON OCTOBER 22 SPRAYING IN THE OPEN SPACE.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

DECEMBER 13, 2007


BRAD THORNBURGH



400 200 0 400 Feet

Exhibit B

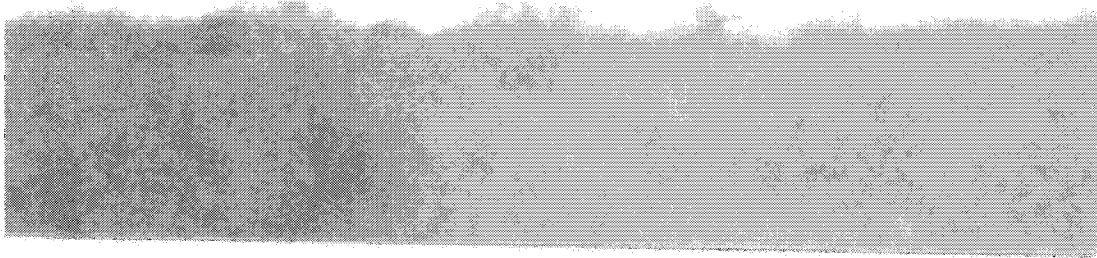
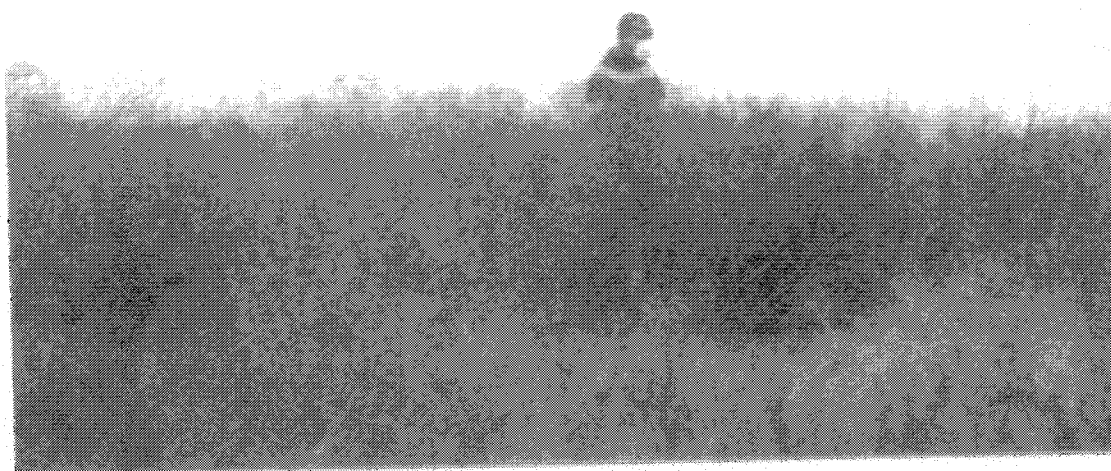


Exhibit C







COUNTY OF SAN DIEGO
DEPARTMENT OF AGRICULTURE, WEIGHTS & MEASURES

REPORT: Used to document complaint investigations when no violations were found

DATE RECEIVED: November 14, 2007

DATE OF INCIDENT: October 22, 2007

COMPLAINANT: Brad Thornburgh

ALLEGED RESPONDENT: The Bridges

INSPECTOR: Megan Moore

PUBLIC REPORT NUMBER: PR049

RESPONSE DATE: November 15, 2007

BRIEF SUMMARY OF ISSUE: *The Bridges allegedly applied pesticide in an area set aside as open space, and is affecting the food availability for the endangered gnatcatcher.*

BACKGROUND:	Yes	No	Unk.	N/A
Is a registered pesticide involved?			x	
Was the application observed?	x			

By whom? Brad Thornburgh and Ginger Perkins

Is there an existing dispute between complainant and alleged respondent?	x			
Was the complainant interviewed?	x			
Were others interviewed?	x			

Other's name and relationship: Ginger and Camille Perkins neighbors; Mike Hathaway, The Bridges Superintendent; and Ken Ayers, Development Manager The Bridges

COMPLIANCE:	Yes	N/A
Inspection conducted		x
Form #:		
Worker Health & Safety requirements met		x
Product label reviewed		x
Visited site	x	
Licensing		
Registration		
Notification		x
Notice of Application		
Notice to Occupant		x
Interscan ppm		
SF ExplorIR ppm		x
Other Sampling: Owl carcass	x	
Referral: (Agency) Investigation to Maggie Loy, Planner III DPLU	x	

ATTACHMENTS:

<input checked="" type="checkbox"/> Photographs	<input type="checkbox"/> Video	<input type="checkbox"/> Label	<input checked="" type="checkbox"/> Correspondence	<input type="checkbox"/> Inspection
Complaint Form	x	Other: Pathology Report Case Number 2081466 AN, The Bridges pesticide use record October 2007, map The Bridges		

INCIDENT CONCLUSION

Visited site involved in complaint, The Bridges Golf Course and associated area, and interviewed complainant and witnesses. The site consisted of open space and the transition area between open space and an ornamental landscaped area to the Northeastern most section of The Bridges. Weed type plants of varying sizes in the area between the open space and the golf course appeared dead from an unnatural cause. Collected owl carcass for county veterinarian examination from complainant. Received two photographs via email from Mr. Thornburgh.

Interviewed Mike Hathaway, The Bridges Golf Course superintendent, and Ken Ayers, development manager of The Bridges and associated housing development. Reviewed The Bridges pesticide use record for October 2007.

Men were observed north of The Bridges Golf Course in open space on the morning of October 22, 2007 by Mr. Thornburgh and Ms. Perkins. Photographs, received from complainant, of people do not conclusively show the use of spray equipment in the open space mentioned in the complaint. One of the photographs is too grainy for analysis. The other photograph shows a person wearing what appears to be a respirator, glasses and a jacket in an unknown area.

The county veterinarian's Pathology Report Case Number 2081466 AN was inconclusive. The report stated the carcass was "severely dehydrated and sun-bleached...no internal organs or muscles remained."

Both Mr. Hathaway and Mr. Ayers stated that no employees of The Bridges applied any pesticide on October 22, 2007. Nor were there any employees of The Bridges in the open

space north of The Bridges Golf Course on October 22, 2007. Mr. Hathaway stated, when pesticides are applied, the applicator wears a white tyvek suit. The Bridges' pesticide use record for October 2007 appeared to be in compliance. No record of pesticide use was recorded for October 22, 2007.

The people observed in the area of concern were not identifiable. Investigation was inconclusive as to whether the alleged application had occurred. No evidence was available to substantiate allegations and no further action could be taken.

**CALLER
FOLLOW-UP**

Mr. Thornburgh was informed of the inconclusive results of the investigation via voice message November 28, 2007. Mr. Thornburgh was emailed a Request for Public Information November 28, 2007.

Megan Moore

Agricultural/Standards Inspector

11/28/07
Date

Stasi Redding

Supervising Agricultural/Standards Inspector

11/28/07
Date

[Signature] For Lisa Leander

Deputy Agricultural Commissioner/Sealer

11/28/07
Date